



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on July 7, 2009

Date of Meeting: April 7, 2009

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:40 p.m., on Tuesday, April 7, 2009, all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

Regina Romero
Rodney Glassman
Karin Uhlich
Shirley C. Scott
Steve Leal
Nina J. Trasoff
Robert E. Walkup

Council Member Ward 1
Council Member Ward 2
Vice Mayor, Council Member Ward 3
Council Member Ward 4
Council Member Ward 5
Council Member Ward 6
Mayor

Absent/Excused:

None

Staff Members Present:

Mike Letcher
Michael Rankin
Deborah Rainone

City Manager
City Attorney
Chief Deputy City Clerk

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Draigg Phillips, City Clerk's Office, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Walkup proclaimed May 2009 to be "Foster Care Month." Brandi Eicher and Michaela Luna accepted the proclamation.
- b. Mayor Walkup, assisted by Council Member Romero, presented Certificates of Appreciation to Nancy Zierenberg, Catlow Shipek, and Emily Brott for their work with rainwater harvesting.

Mayor Walkup, assisted by Council Member Glassman, presented a gold key to the City to Dave Richins, Council Member from Mesa, Arizona.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 171, dated April 7, 2009, was received into and made a part of the record. He also announced this was the time scheduled to allow members of the Mayor and Council to report on current events and asked if there were any reports.

- a. Council Member Romero announced that April 26 through May 2, 2009 was Victim Rights week.

Council Member Romero announced April was Sexual Assault Awareness and Child Abuse Prevention month and invited everyone to Armory Park on April 14, 2009, for "Take Back the Night," which honored victims and survivors and reaffirmed the community's commitment to ending sexual and relationship violence.

Council Member Romero announced April 18 through April 19, 2009 was the 7th Annual Fiesta Grande Street Fair in Barrio Hollywood. She invited the entire city to celebrate the history and culture of one of the city's oldest historic neighborhoods.

- b. Council Member Glassman invited the public to participate in the Susan G. Komen Race for the Cure by being part of Team Tucson on April 19, 2009.
- c. Council Member Trasoff announced that April 14 through April 17, 2009, was Bike to Work Week. She said the Ward 6 Office was hosting a Bike Stop where refreshments would be served.

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

(NOTE: This item was not considered.)

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 173, dated April 7, 2009, was received into and made a part of the record. He asked the Chief Deputy City Clerk to read the Liquor License Agenda.

b. Liquor License Applications

New License(s)

1. My Big Fat Greek Restaurant, Ward 3
95 W. River Rd.
Applicant: Lauren Kay Merrett
Series 12, City 6-09
Action must be taken by: April 10, 2009

Revenue Department has indicated the applicant is not in compliance with city requirements.

Tucson Police Department and Developments Services have indicated the applicant is in compliance with city requirements.

Deborah Rainone, Chief Deputy City Clerk, announced an update was received from staff, indicating the applicant was in compliance with City requirements.

2. QuikTrip #1450, Ward 3
68 W. River Rd.
Applicant: Kelly Paul Vaughan
Series 10, City 7-09
Action must be taken by: April 17, 2009

Staff has indicated the applicant is in compliance with city requirements.

Public Opinion: Written Arguments Opposed Filed

This item was considered separately.

3. QuikTrip #1460, Ward 4
1250 S. Pantano Rd.
Applicant: Kelly Paul Vaughan
Series 10, City 8-09
Action must be taken by: April 17, 2009

Staff has indicated the applicant is in compliance with city requirements.

Deborah Rainone, Chief Deputy City Clerk, announced that Development Services Department requested to continue this item for another week to the April 14, 2009 meeting.

NOTE: State law provides that for a new license application, "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

c. Special Event(s)

1. Tucson Museum of Art, Ward 1
140 N. Main Ave.
Applicant: Alison Lynn Sylvester
City T20-09
Date of Event: May 9, 2009
(Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

2. The Centurions, Ward 5
2500 E. Ajo Way
Applicant: Lawrence R. Stern
City T21-09
Date of Event: May 16, 2009
(Annual fundraiser benefiting Carondelet St. Mary's Hospital)

Staff has indicated the applicant is in compliance with city requirements.

3. The Junior League of Tucson, Ward 6
900 S. Randolph Way
Applicant: Kristin Darland Tomlinson
City T23-09
Date of Event: April 24, 2009
(Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

4. AzMAC - Arizona Media Arts Center, Ward 2
5099 E. Grant Rd., #100
Applicant: Claudia Jespersen
City T30-09
Date of Event: April 17, 2009
(Opening reception for 2009 AZ International Film Festival)

Staff has indicated the applicant is in compliance with city requirements.

d. Agent Change/Acquisition of Control/Restructure

1. A Steak in the Neighborhood, Ward 6
135 E. Congress St.
Applicant: Kevin Arnold Kramber
Series 12, City AC1-09
Action must be taken by: April 20, 2009

Staff has indicated the applicant is in compliance with city requirements.

NOTE: The local governing body of the city, town or county may protest the acquisition of control within sixty days based on the capability, reliability and qualification of the person acquiring control. (A.R.S. Section 4-203.F)

It was moved by Council Member Trasoff, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1, 5c1 through 5c4, and 5d1 to the Arizona State Liquor Board with a recommendation for approval, and continue application 5b3 to the meeting of April 14, 2009.

5. LIQUOR LICENSE APPLICATIONS

b. Liquor License Applications

New License(s)

2. QuikTrip #1450, Ward 3
68 W. River Rd.
Applicant: Kelly Paul Vaughan
Series 10, City 7-09
Action must be taken by: April 17, 2009

Staff has indicated the applicant is in compliance with city requirements.

Public Opinion: Written Arguments Opposed Filed

Deborah Rainone, Chief Deputy City Clerk, announced the application to be considered separately was item 5b2, QuikTrip #1450 located in Ward 3.

Vice Mayor Uhlich asked if a representative from QuikTrip was present and to please come forward. She thanked the representative for being present and noted that she knew about QuikTrip and the fact that the company was chosen as one of the top one hundred employers in the country for their employment practices. She thanked them for their stellar work on employment practices.

Vice Mayor Uhlich stated it looked like action needed to be taken by April 17, 2009. She said there were written arguments filed and there were other concerns received by her office which were somewhat late and she apologized for that. She asked the representative if they would be willing to meet with people from her office and some of the concerned parties to sort through the arguments and come to a resolution. She said she understood if it was not possible she would probably need to move forward with a neutral recommendation.

Troy DeVos, Director of Real Estate, QuikTrip Corporation, said they would be willing to meet.

Vice Mayor Uhlich thanked him and said she appreciated it very much. She apologized that he made the trip down, but stated she tried her best to bring neighbors and new businesses together to work through disagreements so that everyone involved would have a good relationship for the long term.

Mr. DeVos said it was seven years in a row they had been on the Fortune 100 list.

Vice Mayor Uhlich stated seven years in a row was fabulous, and thanked Mr. DeVos again.

It was moved by Vice Mayor Uhlich, duly seconded, and carried by a voice vote of 7 to 0, to continue liquor license application 5b2 to the meeting of April 14, 2009.

6. CALL TO THE AUDIENCE

Mayor Walkup announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for items scheduled for a public hearing. Speakers were limited to three-minute presentations.

- a. Daniel Pfeifer stated he and other employees had many ways to show the Mayor and Council where they were mispending funds, and he hoped to be able to discuss it at a later date.
- b. Rick Grinnell, Smart United Business Strategies, expressed his disappointment in Mayor and Council on their decision to fire Mike Hein, City Manager.
- c. Reverend Servant Bishop Chicago spoke about being at war against crack cocaine.
- d. Joseph Sweeney spoke about the Mayor and Council playing politics, and low wages in Rocky Point, Mexico, affecting the community.

7. CONSENT AGENDA – ITEMS A THROUGH J

Mayor Walkup announced the reports and recommendations from the City Manager on the Consent Agenda were received into and made a part of the record. He asked the Chief Deputy City Clerk to read the Consent Agenda.

A. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY FOR THE MILES NEIGHBORHOOD REINVESTMENT PROJECT

1. Report from City Manager APR7-09-175 WARD 5
2. Resolution No. 21257 relating to Intergovernmental Agreements; authorizing and approving the execution of Amendment No. 1 to the Intergovernmental Agreement between the City of Tucson and Pima County for the Miles Neighborhood Reinvestment Project; and declaring an emergency.

B. PUBLIC IMPROVEMENT: NOGALES HIGHWAY, IRVINGTON ROAD TO DREXEL ROAD DISTRICT STREET LIGHTING IMPROVEMENT

1. Report from City Manager APR7-09-179 WARD 5
2. Resolution No. 21259 relating to Transportation; approving the issuance of City of Tucson Improvement Bond, Series No. 825, for the “Nogales Highway, Irvington Road to Drexel Road District Lighting Improvement”; directing the delivery of said bond to Wells Fargo Bank, Corporate Trust Services, as registrar; ratifying prior acts; and declaring an emergency.

C. BOARDS, COMMITTEES AND COMMISSIONS: DISSOLVING THE PIMA COUNTY/CITY OF TUCSON SPA/POOL CODE COMMITTEE

1. Report from City Manager APR7-09-177 CITY-WIDE
2. Resolution No. 21260 relating to Boards and Commissions; dissolving the Pima County/City of Tucson Spa/Pool Code Committee; and declaring an emergency.

D. APPROVAL OF MINUTES

1. Report from City Manager APR7-09-187 CITY-WIDE
2. Approval of minutes for the regular meetings of the Mayor and Council held on November 18, 2008 and February 18, 2009.

- E. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY FOR JOAQUIN MURRIETA PARK IMPROVEMENTS
1. Report from City Manager APR7-09-183 WARD 1
 2. Resolution No. 21261 relating to Intergovernmental Agreements; approving and authorizing a First Amendment to the Intergovernmental Agreement between the City of Tucson and Pima County for Improvements to Joaquin Murrieta Metro Park Ballfields; and declaring an emergency.
- F. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE JUHAN PARK EXPANSION PROJECT
1. Report from City Manager APR7-09-184 WARD 1
 2. Resolution No. 21262 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and Pima County for the Juhan Park Expansion Project; and declaring an emergency.
- G. BOARDS, COMMITTEES AND COMMISSIONS: MERGING THE MECHANICAL CODE AND PLUMBING CODE COMMITTEES INTO THE MECHANICAL/PLUMBING CODE COMMITTEE
1. Report from City Manager APR7-09-186 CITY-WIDE
 2. Resolution No. 21263 relating to Boards and Commissions and Joint City/County Code Review Committees; merging the Mechanical Code Committee and Plumbing Code Committee into one Mechanical/Plumbing Code Committee; and declaring an emergency.
- H. FINAL PLAT: (S07-155) CIRCLE K, I-10 AND 6TH AVENUE LOTS 1 TO 3
1. Report from City Manager APR7-09-178 WARD 5
 2. Staff recommends that the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

I. ASSURANCE AGREEMENT AND FINAL PLAT: (S07-015) KOLB ROAD BUSINESS PARK I, LOTS 1 TO 8 AND COMMON AREAS “A” AND “B”

1. Report from City Manager APR7-09-185 WARD 4
2. Resolution No. 21264 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements in Case No. S07-015 and approving the final plat for the Kolb Road Business Park I subdivision, Lots 1 through 8 and Common Areas “A” and “B”; and declaring an emergency.
3. Staff recommends that the Mayor and Council approve the assurance agreement and the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

J. REAL PROPERTY: TERMINATION OF EXTENDED OCCUPANCY AGREEMENT AND APPROVAL OF NEW LEASE AT 191 EAST TOOLE AVENUE

1. Report from City Manager APR7-09-189 WARD 6
2. Ordinance No. 10648 relating to real estate; authorizing and approving the termination of the Extended Occupancy Agreement with the Museum of Contemporary Art (MOCA), as amended, for the property located at 191 East Toole Avenue; authorizing and approving a new lease of the same premises with Our Family Services, Inc. d.b.a. Skrappy’s; and declaring an emergency.

It was moved by Council Member Romero, duly seconded, that Consent Agenda Items A through J be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Scott, Leal, and Trasoff;
Vice Mayor Uhlich and Mayor Walkup

Nay: None

Consent Agenda Items A through J were declared passed and adopted by a roll call vote of 7 to 0.

8. MAYOR AND COUNCIL: SELECTION OF VICE-MAYOR

Mayor Walkup announced City Manager's communication number 180, dated April 7, 2009, was received into and made a part of the record. He asked the Chief Deputy City Clerk to read Resolution 21258 by number and title only.

Resolution No. 21258 relating to the Vice Mayor of the Mayor and Council; selecting a Vice Mayor.

Council Member Scott said she wanted to thank the current Vice Mayor for her term and serving the Mayor and Council so well. She said the baton was now being handed in a very democratic way to a new person to become the new Vice Mayor, and it was with great honor that she would make the motion.

It was moved by Council Member Scott, duly seconded, to pass and adopt Resolution 21258, naming Council Member Romero as the Vice Mayor.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Scott, Leal, and Trasoff;
Vice Mayor Uhlich and Mayor Walkup

Nay: None

Resolution 21258, naming Council Member Romero as the Vice Mayor, was declared passed and adopted by a roll call vote of 7 to 0.

9. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 174, dated April 7, 2009, was received into and made a part of the record. He asked for a motion to approve the appointments in the report.

It was moved by Council Member Glassman, duly seconded and carried by a voice vote of 6 to 1 (Council Member Leal dissenting), to approve the appointment of Mark Jones to the Sign Code Advisory and Appeals Board.

Mayor Walkup asked if there were any personal appointments to be made.

Council Member Leal announced his personal appointment of Jodie Lewers to the Pima County/Tucson Women's Commission.

Vice Mayor Romero announced her personal appointment of Amit Algotar, Ph.D., to the Commission on Disability Issues.

10. ADJOURNMENT: 6:09 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, April 14, 2009, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 7th day of April 2009, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:rg:ags